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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/734,119	12/15/2003	Ori Ben-Amotz	P-5616-US	4850
27130	7590	07/13/2004	EXAMINER	
EITAN, PEARL, LATZER & COHEN ZEDEK LLP 10 ROCKEFELLER PLAZA, SUITE 1001 NEW YORK, NY 10020			POPOVICS, ROBERT J	
			ART UNIT	PAPER NUMBER
			1724	
DATE MAILED: 07/13/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/734,119	Applicant(s) BEN-AMOTZ, ORI	
	Examiner Robert J. Popovics	Art Unit 1724	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 5/12/04.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-34 is/are pending in the application.
- 4a) Of the above claim(s) 1-17 and 30 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 18-29 and 31-34 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>12/15/03</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

Restriction to one of the following inventions is required under 35 U.S.C.

121:

- I. Claims 1-17 and 30, drawn to a Water Recycling System, classified in class 210, subclass 167.
- II. Claims 18-29 and 31-34, drawn to a Method for Recycling Gray Water, classified in class 210, subclass 744.

The inventions are distinct, each from the other because of the following reasons:

Inventions of Group II and Group I are related as process and apparatus for its practice. The inventions are distinct if it can be shown that either: (1) the process as claimed can be practiced by another materially different apparatus or by hand, or (2) the apparatus as claimed can be used to practice another and materially different process. (MPEP § 806.05(e)). In this case the apparatus as claimed can be used to practice another and materially different process, such as processing machine tool coolant, or pharmaceutical fluids.

Because these inventions are distinct for the reasons given above and the search required for Group I is not required for Group II and vice versa, restriction for examination purposes as indicated is proper.

During a telephone conversation with Mr. Caleb Pollack on July 9, 2004 a provisional election was made with traverse to prosecute the invention of Group

II, claim 18-29 and 31-34. Affirmation of this election must be made by applicant in replying to this Office action. Claims 1-17 and 30 are withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Claim Rejections - 35 USC § 102

Claims 18-19, 21-24, 26, 31 and 33-34 are rejected under 35 U.S.C. 102(b) as being anticipated by Boester (US 3,543,294). Tank 13 is seen to constitute the "upper tank," with bowl 14 being seen to constitute the water target. With respect to claim 26, Applicant is directed to column 2, lines 31-35.

Claims 18, 20-24, 26-27 and 31-34 are rejected under 35 U.S.C. 102(b) as being anticipated by Hellwege (US 3,616,917). See upper tank 8 and lower tank 18.

Claims 18, 20-25 and 31-34 rejected under 35 U.S.C. 102(b) as being anticipated by Back (US 5,868,937). See upper tank 3 and unlabeled lower tank in Figure 1.

Claims 18,20-24,26-29 and 31-34 rejected under 35 U.S.C. 102(b) as being anticipated by McCormick (US 4,162,218). See upper tank 15 and lower tank 10.

Claims 18-24,26-29 and 31-34 rejected under 35 U.S.C. 102(b) as being anticipated by Toms (US 4,115,879). See upper tank 30 and lower tank 19.

Claims 18-24,26-29 and 31-34 rejected under 35 U.S.C. 102(b) as being anticipated by Kimball (US 5,084,920). See upper tank 26 and lower tank 11.

Claims 18,20-22,24,28-29 and 31-34 rejected under 35 U.S.C. 102(b) as being anticipated by Fleischmann (US 2,974,800). See upper tank 32 and lower tank 22.

Claims 18,20-24,26-29 and 31-34 rejected under 35 U.S.C. 102(b) as being anticipated by Olson (US 3,915,857). See upper tank 13 (see col. 2, lines 54-58) and lower tank 11.

Any inquiry concerning this communication should be directed to Robert J. Popovics at telephone number (571) 272-1164.

A handwritten signature in black ink, appearing to read 'R. J. Popovics', with a stylized flourish underneath.

Robert James Popovics
Primary Examiner
Art Unit 1724

July 11, 2004